UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

JOD SELOU,

Plaintiff,

Case No. 15-cv-10927

v.

INTEGRITY SOLUTION SERVICES, INC.,

Defendant.
_______________________________________/

DEFENDANT RADIUS GLOBAL SOLUTIONS, LLC.'s ANSWER AND AFFIRMATIVE DEFENSES TO PLAINTIFF'S SECOND AMENDED COMPLAINT

Defendant Radius Global Solutions, LLC. ("RGS"), through counsel and pursuant to the Federal Rules of Civil Procedure, submits this Answer and Affirmative Defenses to the Second Amended Complaint filed by plaintiff Jod Selou ("plaintiff"), and states:

INTRODUCTION

1. RGS admits plaintiff seeks redress for allegedly illegal practices in violation of the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. § 1692*, et seq.*, the Telephone Consumer Protection Act ("TCPA"), 47 U.S.C. § 227, the Michigan Occupational Code ("MOC"), M.C.L. § 339.901 *et seq.* and the Michigan Regulation of Collection Practice Act ("MRCPA"), MCL § 445.251, *et seq.,* but denies any lRGSbility, violations or wrongdoing under the law.

2. RGS denies the allegations in ¶ 2 for lack of knowledge or information sufficient to form a belief therein.

3. RGS denies the allegations in ¶ 3 for lack of knowledge or information sufficient to form a belief therein.

4. RGS denies the allegations in ¶ 4 for lack of knowledge or information sufficient to form a belief therein.

5. The TCPA speaks for itself and is the best evidence of its contents. To the extent that plaintiff states otherwise, RGS denies the allegations in ¶ 5.

6. The TCPA speaks for itself and is the best evidence of its contents. To the extent that plaintiff states otherwise, RGS denies the allegations in ¶ 6.

7. The 2003 FCC Report and Order speaks for itself and is the best evidence of its contents. To the extent that plaintiff states otherwise, RGS denies the allegations in ¶ 7.

8. The 2008 Declaratory Ruling speaks for itself and is the best evidence of its contents. To the extent that plaintiff states otherwise, RGS denies the allegations in ¶ 8.

9. RGS denies the allegations in ¶ 9 for lack of knowledge or information sufficient to form a belief therein.

10. RGS denies the allegations in ¶ 10 for lack of knowledge or information sufficient to form a belief therein.

11. The FCC Rules and Regulation Implementing the Telephone Consumer Protection Act speaks for itself and is the best evidence of its contents. To the extent that plaintiff states otherwise, RGS denies the allegations in ¶ 11.

JURISDICTION AND VENUE

12. RGS admits the allegations in ¶ 12 for jurisdictional purposes only.

13. RGS admits the allegations in ¶ 13 for venue purposes only.

PARTIES

14. RGS denies the allegations in ¶ 14 for lack of knowledge or information sufficient to form a belief therein.

15. RGS denies the allegations in ¶ 15 for lack of knowledge or information sufficient to form a belief therein.

16. RGS denies the allegations in ¶ 16 for lack of knowledge or information sufficient to form a belief therein.

17. RGS denies the allegations in ¶ 17 for lack of knowledge or information sufficient to form a belief therein.

18. RGS denies the allegations in ¶ 18 for lack of knowledge or information sufficient to form a belief therein.

19. RGS admits the allegations in ¶ 19 for lack of knowledge or information sufficient to form a belief therein.

20. The website, https:www.integritysolutionservices.com/, speaks for itself and is the best evidence of its contents. To the extent that plaintiff states otherwise, RGS denies the allegations in ¶ 20.

21. The website, https:www.integritysolutionservices.com/, speaks for itself and is the best evidence of its contents. To the extent that plaintiff states otherwise, RGS denies the allegations in ¶ 21.

22. RGS denies the allegations in ¶ 22 for lack of knowledge or information sufficient to form a belief therein.

23. RGS denies the allegations in ¶ 23 for lack of knowledge or information sufficient to form a belief therein.

24. RGS denies the allegations in ¶ 24 for lack of knowledge or information sufficient to form a belief therein.

25. RGS denies the allegations in ¶ 25 for lack of knowledge or information sufficient to form a belief therein.

26. RGS admits the allegations in ¶ 26.

27. RGS admits the allegations in ¶ 27.

28. RGS admits the allegations in ¶ 28.

29. RGS denies the allegations in ¶ 29.

30. RGS denies the allegations in ¶ 30.

31. RGS denies the allegations in ¶ 31 as calling for a legal conclusion.

32. RGS admits the allegations in ¶ 32 for lack of knowledge or information sufficient to form a belief therein.

33. RGS denies the allegations in ¶ 33 for lack of knowledge or information sufficient to form a belief therein.

34. RGS denies the allegations in ¶ 34 for lack of knowledge or information sufficient to form a belief therein.

35. RGS admits the allegations in ¶ 35 for lack of knowledge or information sufficient to form a belief therein.

36. The website speaks for itself and is the best evidence of its contents. To the extent that plaintiff states otherwise, RGS denies the allegations in ¶ 36.

37. The website speaks for itself and is the best evidence of its contents. To the extent that plaintiff states otherwise, RGS denies the allegations in ¶ 37.

38. The website speaks for itself and is the best evidence of its contents. To the extent that plaintiff states otherwise, RGS denies the allegations in ¶ 38.

39. RGS denies the allegations in ¶ 39 for lack of knowledge or information sufficient to justify a reasonable belief therein.

40. RGS denies the allegations in ¶ 40 for lack of knowledge or information sufficient to form a belief therein.

41. RGS denies the allegations in ¶ 41 for lack of knowledge or information sufficient to form a belief therein.

42. RGS denies the allegations in ¶ 42 for lack of knowledge or information sufficient to form a belief therein.

43. RGS denies the allegations in ¶ 43 for lack of knowledge or information sufficient to form a belief therein.

44. RGS denies the allegations in ¶ 44 for lack of knowledge or information sufficient to form a belief therein.

45. RGS denies the allegations in ¶ 45 for lack of knowledge or information sufficient to form a belief therein.

46. RGS denies the allegations in ¶ 46 for lack of knowledge or information sufficient to form a belief therein.

47. RGS denies the allegations in ¶ 47 for lack of knowledge or information sufficient to form a belief therein.

48. RGS denies the allegations in ¶ 48 for lack of knowledge or information sufficient to form a belief therein.

49. RGS denies the allegations in ¶ 49 as calling for a legal conclusion.

50. RGS denies the allegations in ¶ 50 as calling for a legal conclusion.

51. RGS denies the allegations in ¶ 51 as calling for a legal conclusion.

52. RGS denies the allegations in ¶ 52 for lack of knowledge or information sufficient to form a belief therein.

53. RGS denies the allegations in ¶ 53 for lack of knowledge or information sufficient to form a belief therein.

54. RGS denies the allegations in ¶ 54 for lack of knowledge or information sufficient to form a belief therein.

55. RGS denies the allegations in ¶ 55 for lack of knowledge or information sufficient to form a belief therein.

56. RGS denies the allegations in ¶ 56 for lack of knowledge or information sufficient to form a belief therein.

57. RGS denies the allegations in ¶ 57 for lack of knowledge or information sufficient to form a belief therein.

58. RGS denies the allegations in ¶ 58 for lack of knowledge or information sufficient to form a belief therein.

59. RGS denies the allegations in ¶ 59 for lack of knowledge or information sufficient to form a belief therein.

60. The allegations in ¶ 60 are not directed to RGS and do not require an affirmative response.

FACTUAL ALLEGATIONS

61. RGS denies the allegations in ¶ 61.

62. RGS denies the allegations in ¶ 62.

63. The website speaks for itself and is the best evidence of its contents. To the extent that plaintiff states otherwise, RGS denies the allegations in ¶ 63.

64. RGS denies the allegations in ¶ 64.

65. RGS denies the allegations in ¶ 65.

66. RGS denies the allegations in ¶ 66 as for lack of knowledge or information sufficient to form a belief therein.

67. RGS denies the allegations in ¶ 67 for lack of knowledge or information sufficient to form a belief therein.

68. RGS denies the allegations in ¶ 68 for lack of knowledge or information sufficient to form a belief therein.

69. RGS denies the allegations in ¶ 69 for lack of knowledge or information sufficient to form a belief therein.

70. RGS denies the allegations in ¶ 70 for lack of knowledge or information sufficient to form a belief therein.

71. RGS denies the allegations in ¶ 71 for lack of knowledge or information sufficient to form a belief therein.

72. RGS denies the allegations in ¶ 72 for lack of knowledge or information sufficient to form a belief therein.

73. RGS denies the allegations in ¶ 73 for lack of knowledge or information sufficient to form a belief therein.

74. RGS denies the allegations in ¶ 74 for lack of knowledge or information sufficient to form a belief therein.

75. RGS denies the allegations in ¶ 75 for lack of knowledge or information sufficient to form a belief therein.

76. RGS denies the allegations in ¶ 76 for lack of knowledge or information sufficient to form a belief therein.

77. RGS denies the allegations in ¶ 77 for lack of knowledge or information sufficient to form a belief therein.

78. RGS denies the allegations in ¶ 78 for lack of knowledge or information sufficient to form a belief therein.

79. RGS denies the allegations in ¶ 79 for lack of knowledge or information sufficient to form a belief therein.

80. RGS denies the allegations in ¶ 80 for lack of knowledge or information sufficient to form a belief therein.

81. RGS denies the allegations in ¶ 81 for lack of knowledge or information sufficient to form a belief therein.

82. RGS denies the allegations in ¶ 82 for lack of knowledge or information sufficient to form a belief therein.

83. RGS denies the allegations in ¶ 83 for lack of knowledge or information sufficient to form a belief therein.

84. RGS denies the allegations in ¶ 84 for lack of knowledge or information sufficient to form a belief therein.

85. RGS denies the allegations in ¶ 85 for lack of knowledge or information sufficient to form a belief therein.

86. RGS denies the allegations in ¶ 86 for lack of knowledge or information sufficient to form a belief therein.

87. RGS denies the allegations in ¶ 87 for lack of knowledge or information sufficient to form a belief therein.

88. 15 U.S.C. § 1692b(1) speaks for itself and is best evidence of its contents. To the extent that plaintiff states otherwise, RGS denies the allegations in ¶ 88.

89. RGS denies the allegations in ¶ 89 for lack of knowledge or information sufficient to form a belief therein.

90. 15 U.S.C. § 1692b(2) speaks for itself and is best evidence of its contents. To the extent that plaintiff states otherwise, RGS denies the allegations in ¶ 90.

91. RGS denies the allegations in ¶ 91 for lack of knowledge or information sufficient to form a belief therein.

92. 15 U.S.C. § 1692b(3) speaks for itself and is best evidence of its contents. To the extent that plaintiff states otherwise, RGS denies the allegations in ¶ 92.

93. RGS denies the allegations in ¶ 93 for lack of knowledge or information sufficient to form a belief therein.

94. RGS denies the allegations in ¶ 94 for lack of knowledge or information sufficient to form a belief therein.

95. RGS denies the allegations in ¶ 95 for lack of knowledge or information sufficient to form a belief therein.

96. RGS denies the allegations in ¶ 96 for lack of knowledge or information sufficient to form a belief therein.

97. RGS denies the allegations in ¶ 97 for lack of knowledge or information sufficient to form a belief therein.

98. RGS denies the allegations in ¶ 98 for lack of knowledge or information sufficient to form a belief therein.

99. RGS denies the allegations in ¶ 99 for lack of knowledge or information sufficient to form a belief therein.

100. RGS denies the allegations in ¶ 100 for lack of knowledge or information sufficient to form a belief therein.

101. RGS denies the allegations in ¶ 101 for lack of knowledge or information sufficient to form a belief therein.

102. RGS denies the allegations in ¶ 102 for lack of knowledge or information sufficient to form a belief therein.

103. RGS denies the allegations in ¶ 103 for lack of knowledge or information sufficient to form a belief therein.

104. RGS denies the allegations in ¶ 104 for lack of knowledge or information sufficient to form a belief therein.

105. RGS denies the allegations in ¶ 105 for lack of knowledge or information sufficient to form a belief therein.

106. RGS denies the allegations in ¶ 106 for lack of knowledge or information sufficient to form a belief therein.

107. RGS denies the allegations in ¶ 107 as calling for a legal conclusion.

108. RGS denies the allegations in ¶ 108 for lack of knowledge or information sufficient to form a belief therein.

109. RGS denies the allegations in ¶ 109 for lack of knowledge or information sufficient to form a belief therein.

110. RGS denies the allegations in ¶ 110 as calling for a legal conclusion.

111. RGS denies the allegations in ¶ 111 for lack of knowledge or information sufficient to form a belief therein.

112. RGS denies the allegations in ¶ 112 for lack of knowledge or information sufficient to form a belief therein.

113. RGS denies the allegations in ¶ 113 for lack of knowledge or information sufficient to form a belief therein.

114. The FCC Order speaks for itself and is the best evidence of its contents. To the extent that plaintiff states otherwise, RGS denies the allegations in ¶ 114.

115. RGS denies the allegations in ¶ 115 for lack of knowledge or information sufficient to form a belief therein.

116. RGS denies the allegations in ¶ 116 for lack of knowledge or information sufficient to form a belief therein.

Respondeat Superior

117. RGS denies the allegations in ¶ 117 for lack of knowledge or information sufficient to form a belief therein.

118. RGS denies the allegations in ¶ 118 for lack of knowledge or information sufficient to form a belief therein.

119. RGS denies the allegations in ¶ 119 for lack of knowledge or information sufficient to form a belief therein.

120. RGS denies the allegations in ¶ 120 for lack of knowledge or information sufficient to form a belief therein.

121. RGS denies the allegations in ¶ 121 for lack of knowledge or information sufficient to form a belief therein.

122. RGS denies the allegations in ¶ 122 for lack of knowledge or information sufficient to form a belief therein.

COUNT I

Negligent Violation of the Telephone Communications Protection Act

123. RGS reasserts the foregoing as if fully incorporated herein.

124. RGS denies the allegations in ¶ 124.

125. RGS denies the allegations in ¶ 125.

126. RGS denies the allegations in ¶ 126.

COUNT II

Willful Violation of the Telephone Communications Protection Act

127. RGS reasserts the foregoing as if fully incorporated herein.

128. RGS denies the allegations in ¶ 128.

129. RGS denies the allegations in ¶ 129.

130. RGS denies the allegations in ¶ 130.

COUNT III

Violations of the Fair Debt Collection Practices Act
15 U.S.C. § 1692 *et seq.*

131. RGS reasserts the foregoing as if fully incorporated herein.

132. RGS denies the allegations in ¶ 132, including its subparts a through e.

133. RGS denies the allegations in ¶ 133.

COUNT IV

Violations of the Michigan Occupational Code

134. RGS reasserts the foregoing as if fully incorporated herein.

135. RGS denies the allegations in ¶ 135 as calling for a legal conclusion.

136. RGS denies the allegations in ¶ 136 as calling for a legal conclusion.

137. RGS denies the allegations in ¶ 137.

138. RGS denies the allegations in ¶ 138.

139 RGS denies the allegations in ¶ 139.

140. RGS denies the allegations in ¶ 140.

141. RGS denies the allegations in ¶ 141.

142. RGS denies the allegations in ¶ 142.

143. RGS denies the allegations in ¶ 143.

144. RGS denies the allegations in ¶ 144.

COUNT V

Michigan Regulation of Collection Practices Act (Alternative to Count IV)

145. RGS reasserts the foregoing as if fully incorporated herein.

146. RGS denies the allegations in ¶ 146 for lack of knowledge or information sufficient to form a belief therein.

147. RGS denies the allegations in ¶ 147 for lack of knowledge or information sufficient to form a belief therein.

148. RGS denies the allegations in ¶ 148.

149. RGS denies the allegations in ¶ 149.

150. RGS denies the allegations in ¶ 150.

DEMAND FOR JUDGMENT FOR RELIEF

RGS denies that plaintiff is entitled to the relief sought under Counts 1, II, III, IV and V.

RGS' AFFIRMATIVE DEFENSES

1. To the extent that any violations are established, any such violations were not intentional and resulted from bona fide error notwithstanding the maintenance of procedures reasonably adopted and specifically intended to avoid any such error.

2. Plaintiff has not stated a claim upon which relief may be granted.

3. RGS denies any liability; however, regardless of liability, Plaintiff has suffered no actual damages as a result of RGS' purported violations.

4. Plaintiff's claims, in whole or in part, are barred by the statute of limitations and/or laches.

5. Any harm suffered by plaintiff was legally and proximately caused by persons or entities other than RGS and was beyond the control or supervision of RGS or for whom RGS was and is not responsible or liable. In particular and without limitation, the number at issue was provided to RGS by the placing creditor with the express and/or implied warranty that the debtor consented to and authorized calls to the number.

6. Plaintiff's claims are barred by the doctrine of avoidable consequences, failure to mitigate, estoppel, waiver, unclean hands, consent and/or assumption of risk in that plaintiff: refused and/or failed to answer the calls or return the messages left; made no request for the calls to cease or otherwise object to the calls; and knowingly and intentionally allowed and facilitated the calls to continue with the sole purpose to accumulate statutory damages under the TCPA and FDCPA.

7. Plaintiff consented to and authorized calls to the phone number in question for the account that RGS was working.

8. 1 or more calls made to Plaintiff by RGS were not made to a cell phone. 9. 1 or more calls made to Plaintiff by RGS were not made with a dialer.

10. Plaintiff's claims are subject to a binding arbitration agreement.

WHEREFORE, Defendant Radius Global Solutions, LLC, requests that the Court dismiss this action with prejudice and grant it any other relief that the Court deems appropriate.

Respectfully submitted

COLLINS EINHORN FARRELL PC

/s/Deborah A. Lujan

DEBORAH A. LUJAN (P46990)
Attorneys for Defendant
Radius Global Solutions, LLC
4000 Town Center, 9th Floor
Southfield, MI 48075-1473
(248) 355-4141

Dated: November 13, 2015

CERTIFICATE OF SERVICE

I certify that on this 13th day of November, 2015, a copy of the foregoing was filed electronically in the ECF system. Notice of this filing will be sent to the parties of record by operation of the Court's electronic filing system, including Plaintiff's counsel as described below. Parties may access this filing through the Court's system.

Rex C. Anderson, Esq.
Law Offices of Rex Anderson PC
9459 Lapeer Road, Suite 101
Davison, MI 48423

Respectfully submitted

COLLINS EINHORN FARRELL PC

/s/Deborah A. Lujan
DEBORAH A. LUJAN (P46990)
Attorneys for Defendant
Radius Global Solutions, LLC
4000 Town Center, 9th Floor
Southfield, MI 48075-1473
(248) 355-4141